

Part 1

Definitions

58-5a-101 Title.

This chapter is known as the "Podiatric Physician Licensing Act."

Amended by Chapter 232, 1996 General Session

58-5a-102 Definitions.

In addition to the definitions under Section 58-1-102, as used in this chapter:

- (1) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
- (2) "Indirect supervision" means the same as that term is defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) "Medical assistant" means an unlicensed individual working under the indirect supervision of a licensed podiatric physician and engaging in specific tasks assigned by the licensed podiatric physician in accordance with the standards and ethics of the podiatry profession.
- (4) "Practice of podiatry" means the diagnosis and treatment of conditions affecting the human foot and ankle and their manifestations of systemic conditions by all appropriate and lawful means, subject to Section 58-5a-103.
- (5) "Unlawful conduct" includes:
 - (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
 - (b) for an individual who is not licensed under this chapter:
 - (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor, foot specialist, or D.P.M.; or
 - (ii) implying or representing that the individual is qualified to practice podiatry.
- (6) "Unprofessional conduct" includes, for an individual licensed under this chapter:
 - (a) the conduct that constitutes unprofessional conduct under Section 58-1-501;
 - (b) communicating to a third party, without the consent of the patient, information the individual acquires in treating the patient, except as necessary for professional consultation regarding treatment of the patient;
 - (c) allowing the individual's name or license to be used by an individual who is not licensed to practice podiatry under this chapter;
 - (d) except as described in Section 58-5a-306, employing, directly or indirectly, any unlicensed individual to practice podiatry;
 - (e) using alcohol or drugs, to the extent the individual's use of alcohol or drugs impairs the individual's ability to practice podiatry;
 - (f) unlawfully prescribing, selling, or giving away any prescription drug, including controlled substances, as defined in Section 58-37-2;
 - (g) gross incompetency in the practice of podiatry;
 - (h) willfully and intentionally making a false statement or entry in hospital records, medical records, or reports;
 - (i) willfully making a false statement in reports or claim forms to governmental agencies or insurance companies with the intent to secure payment not rightfully due;
 - (j) willfully using false or fraudulent advertising; and
 - (k) conduct the division defines as unprofessional conduct by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 230, 2015 General Session

58-5a-103 Scope of practice.

- (1) Subject to Subsections (4) and (5), an individual licensed as a podiatric physician under this chapter may perform a surgical procedure on a bone of the foot or ankle, except that the individual may not perform:
 - (a) ankle fusion;
 - (b) massive ankle reconstruction; or
 - (c) reduction of a trimalleolar ankle fracture.
- (2) Notwithstanding Subsections (1)(a), (b), and (c), and subject to Subsections (4) and (5), an individual licensed as a podiatric physician under this chapter that meets the additional training requirements described in Subsection (3) may perform a surgical procedure that is related to the treatment of a foot or ankle condition, including the treatment of a foot or ankle condition that involves the soft tissues, including tendons, ligaments, and nerves, of the foot or ankle, except that the individual may only:
 - (a) treat a fracture of the tibia if at least one portion of the fracture line enters the ankle joint;
 - (b) treat a foot or ankle condition using hardware, including screws, plates, staples, pins, and wires, if at least one portion of the hardware system is attached to a bony structure at or below the ankle mortise; and
 - (c) place hardware for the treatment of soft tissues in the foot or ankle no more proximal than the distal 10 centimeters of the tibia.
- (3) An individual licensed as a podiatric physician under this chapter may not perform the procedures described in Subsection (2) unless the individual:
 - (a)
 - (i) graduated on or after June 1, 2006, from a three-year residency program in podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on Podiatric Medical Education; and
 - (ii) is board certified in reconstructive rearfoot and ankle surgery by the American Board of Foot and Ankle Surgery;
 - (b)
 - (i) graduated on or after June 1, 2006, from a three-year residency program in podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on Podiatric Medical Education;
 - (ii) is board qualified in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery; and
 - (iii) provides the division documentation that the podiatric physician has completed training or experience, which the division determines is acceptable, in standard or advanced midfoot, rearfoot, and ankle procedures; or
 - (c)
 - (i) graduated before June 1, 2006, from a residency program in podiatric medicine and surgery that was at least two years in length and that was accredited, at the time of graduation, by the Council on Podiatric Medical Education;
 - (ii)
 - (A) is board certified in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery;
 - (B) if the residency described in Subsection (3)(c)(i) is a PSR-24 24-month podiatric surgical residency, provides proof that the individual completed the residency, to a hospital that is

accredited by the Joint Commission, and meets the hospital's credentialing criteria for foot and ankle surgery; or

- (C) in addition to the residency described in Subsection (3)(c)(i), has completed a fellowship in foot and ankle surgery that was accredited by the Council on Podiatric Medical Education at the time of completion; and
 - (iii) provides the division documentation that the podiatric physician has completed training and experience, which the division determines is acceptable, in standard or advanced midfoot, rearfoot, and ankle procedures.
- (4) An individual licensed as a podiatric physician under this chapter may not perform an amputation proximal to Chopart's joint.
- (5) An individual licensed as a podiatric physician under this chapter may not perform a surgical treatment on an ankle, on a governing structure of the foot or ankle above the ankle, or on a structure related to the foot or ankle above the ankle, unless the individual performs the surgical treatment:
- (a) in an ambulatory surgical facility, a general acute hospital, or a specialty hospital, as defined in Section 26-21-2; and
 - (b) subject to review by a quality care review body that includes qualified, licensed physicians and surgeons.

Enacted by Chapter 230, 2015 General Session